

Application No.: 10/008,768

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Docket No.: 393032001901

REMARKS

Claims 14 and 16-25 are pending in the present application. The Examiner finally rejected claims 14, 16, 17 and 21-24 under 35 U.S.C. § 102(b) as being anticipated by Serra et al. (US 5536902) and claims 18-20 and 25 under § 103(a) as being unpatentable over Serra in view of Kellogg et al. (US 4930390) and Kakishita et al. (US 5591930). Reexamination and reconsideration are respectfully requested.

Applicants note with appreciation the Examiner's courtesy during a telephone interview on November 3, 2004. Applicants hereby amend claims 14, 16-18 and 21-24 and add new dependent claims 26-30. Applicants believe that the claims, as amended, are clearly in condition for allowance.

When a musician plays an acoustic instrument, he may apply a first performance method to play a phrase and a second, different performance method to play a subsequent phrase. The present invention allows the generation of tones that can reflect the different performance methods utilized in a given performance. Fig. 2 illustrates various switches arranged on an operating element panel 1 corresponding to performance methods on display 2. A user can first parse a performance (or part of the performance) into a sequence of phrases and then designate performance methods for the phrases using the switches and display of Fig. 2 (see also specification at page 25, line 28 to page 26, line 26 and Fig. 6B). Once the performance methods are selected, performance method codes corresponding to the performance methods are assigned to the phrases. Fig. 7B illustrates that a performance method code is assigned to an event or events representing a phrase by being inserted prior to the event data for which the performance method code is to be designated. Fig. 8 illustrates that the performance information is read out event-by-event as modified by the applicable performance method codes to generate tones reflecting the various performance methods.

As discussed during the interview, the claims can be separated for convenience into three groups.

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Claims 14, 21, 22 and 25

Claims 14, 21 and 22 have been amended to recite that the musical performance data comprises event data and that performance method data is inserted at a predetermined location corresponding to event data. As discussed during the interview, Applicants believe that these claims, as amended, are not anticipated by Serra and are clearly in condition for allowance. Serra discloses analyzing an input sound signal for subsequent synthesis (see Fig. 1). The analysis section of Fig. 1 is detailed in Fig. 2. Fig. 2 illustrates the input sound signal is broken into a series of time frames as 20a and musical parameters are extracted at 30a. Fig. 4 illustrates a synthesis section that can employ the extracted musical parameters. As illustrated in Fig. 21, the extracted musical parameters can be modified and then the corresponding signal is added to the time function signal (see also Col. 23, lines 37-52). Serra, thus, does not disclose inserting performance method data at a predetermined location corresponding to event data of a performance. Accordingly, Applicants respectfully submit that claims 14, 21 and 22 are not anticipated by Serra and are in condition for allowance. Claim 25 depends from claim 14 and was rejected under § 103 in view Serra, Kellog and Kakishita. Applicants believe that Kellog and Kakishita do not make up for the deficiencies of Serra and that claim 25 is also in condition for allowance.

Claims 16, 17, 23, 24 and 26-30

Claims 16 and 23 have been amended to recite performance method codes that correspond to performance methods and forming musical tone waveform data based on the performance method codes. As discussed during the interview, Applicants do not believe that Serra, as discussed above, discloses performance method codes. Accordingly, Applicants respectfully submit that claims 16 and 23 are in condition for allowance. Dependent claims 17, 24 and 26-30 (which have been added to further claim the invention) are likewise in condition for allowance.

Claims 18-20

Claim 18 has been amended to recite providing a plurality of tone colors, with each tone color is based on tone color data comprising a plurality of performance methods. The claim further

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recites displaying performance methods corresponding to the selected tone color. As discussed during the interview, it is believed that Serra, Kellogg and Kakishita do not disclose the recited steps. Indeed, as the Examiner acknowledges, Serra does not disclose displaying performance methods at all. Kellogg and Kakishita, while they may disclose a display, do not disclose providing the recited tone colors each having tone color data comprising a plurality of performance methods and then displaying performance methods based on the selected tone color. Accordingly, Applicants respectfully believe that claim 18 and its dependent claims are in condition for allowance.

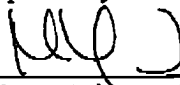
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 393032001901.

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Respectfully submitted,

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